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Attorneys for Plaintiff

Dairy, LLC

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAIRY, LLC, a Delaware Limited Liability
Company,

Plaintiff/Counterdefendant,

vs.

MILK MOOVEMENT, INC., a foreign
Corporation, and MILK MOOVEMENT,
LLC, a Delaware Limited Liability
Company,

Defendants/Counterclaimants.

Case No. 2:21-cv-02233-WBS-AC

*Senior U.S. District Judge William B. Shubb
U.S. Magistrate Judge Allison Claire*

**NOTICE OF MOTION AND MOTION
FOR PROTECTIVE ORDER TO STAY
DEFENDANT MILK MOOVEMENT,
INC.'S NOTICES OF DEPOSITIONS
OF AARON KEENER, DUANE
BANDEROB, SCOTT SEXTON, RYAN
MERTES, AND CHARLIE FISHER**

Complaint Filed: December 2, 2021

FAC Filed: February 8, 2022

Cross-Complaint Filed: April 27, 2022

FACC Filed: July 21, 2022

**TO DEFENDANTS MILK MOOVEMENT, INC. AND MILK MOOVEMENT, LLC AND
THEIR ATTORNEYS OF RECORD**

PLEASE TAKE NOTICE that the following Notice of Motion and Motion for Protective Order will be heard on April 5, 2023, at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 26, 8th Floor of the Robert T. Matsui U.S. Courthouse, 501 I Street, Sacramento, CA 95814, the Honorable Allison Claire presiding.

Plaintiff Dairy, LLC (“Dairy”) will, and hereby does, move this Court, pursuant to Federal Rule of Civil Procedure 26(c) and Local Rule 251, for the following: (1) entry of a protective order forbidding the taking of the following depositions as noticed, on the grounds that the discovery requests are oppressive and unduly burdensome, for reasons including but not limited to the fact that despite Dairy’s good faith efforts to meet and confer with Milk regarding deposition scheduling, Milk has refused to accept any of the alternative dates offered by Dairy and has instead demanded dates that are unworkable for Dairy’s witnesses and counsel, and therefore the parties are at an impasse; given that the first deposition is set for Monday, February 27, 2023 and Milk has refused to reschedule, Dairy is forced to seek the protection of the Court. The subject depositions are as follows: (a) Aaron Keener, pursuant to Milk Moovement’s Notice of Deposition of Aaron Keener, which was served on Dairy on February 11, 2023 and set a noticed date of deposition for February 27, 2023; (b) Duane Banderob, pursuant to Milk Moovement’s Notice of Deposition of Duane Banderob, which was served on Dairy on February 11, 2023 and set a noticed date of deposition for March 1, 2023; (c) Scott Sexton pursuant to Milk Moovement’s Notice of Deposition of Scott Sexton, which was served on Dairy on February 11, 2023 and set a noticed date of deposition for March 3, 2023, which is improper for additional reasons beyond refusal to meaningfully meet and confer on scheduling, to be detailed in the forthcoming Joint Statement; (d) Ryan Mertes, pursuant to Milk Moovement’s Notice of Deposition of Ryan Mertes, which was served on Dairy on February 11, 2023 and set a noticed date of deposition for March 7, 2023; and (e) Charlie Fisher,

pursuant to Milk Moovement's Notice of Deposition of Charlie Fisher, which was served on Dairy on February 11, 2023 and set a noticed date of deposition for March 9, 2023. And (2) entry of an order setting the aforementioned depositions for later dates to be mutually agreed on by the parties, and subject to the availability of Dairy's witnesses and counsel. This Notice of Motion and Motion for Protective Order is based on this Notice of Motion and Motion; Dairy's arguments in the parties' forthcoming Joint Statement; all pleadings on file in this action; and any other evidence or argument that may be presented to the Court in connection with this Motion.

February 24, 2023

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By: /s/ Simona A. Agnolucci
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